

REMARKS

Applicant thanks Examiner Werner for the analysis contained in the Examination Report dated April 28, 2006. The applicant takes notice that a certified copy of Canadian patent application no. 2,423,678 has not been filed, and wishes to inform the Examiner that a certified copy will be filed once a Notice of Allowance has been issued.

Claim Rejection under 35 U.S.C. 102

Claim 1 currently stands rejected under 35 U.S.C. § 102 as being anticipated by Igo (5,900,433).

As presented in amended Claim 1, the applicant claims “a method of inducing bleeding after dental surgery” which uses nitric oxide, which acts as “a vasodilator which induced bleeding to prevent oral micro-organisms from entering the blood stream.”

As noted by the Examiner, Igo teaches the use of a vasodilator, among other compounds. However, the situations in which the vasodilator is used are distinct and different. While the Examiner has given little patentable weight to the limitation of using the method after dental surgery, the applicant respectfully requests that this position be reconsidered based on the following arguments.

The teachings presented by Igo are very specific regarding the purposes of the disclosed treatment. In particular, the goal of the treatment is “to provide one or more of the therapeutic effects of promotion of vasodilation, inhibition of vessel spasm, inhibition of platelet aggregation, inhibition of vessel spasm, inhibition of platelet aggregation, inhibition of vessel thrombosis, and inhibition of platelet growth factor release, at the treatment site.” (Column 7, lines 30-33). The only situation in which the treatment is considered is when surgery has specifically targeted blood vessels or arteries in which circulation needs to be restored. The bioactive agent is then applied to prevent the reversal of these surgeries. (See column 9, lines 50-

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

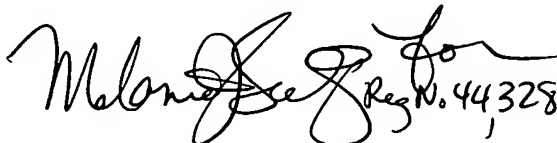
67). In other words, Igo's teachings are related to preventing blood clots to maintain blood circulation through the vessels in order to prevent the positive effects of the surgery from being reversed. The applicant is not concerned with maintaining circulation through vessels and arteries in order to keep blood flowing away from and returning to the heart as is Igo, but rather allowing blood vessels to bleed in order to flush a site with blood. This effect would be detrimental in the situations considered by Igo, as the goal is to have the targeted vessels and arteries circulating blood through the body, not out of the body.

In addition, Igo is not concerned with, and does not teach, preventing oral micro-organisms from entering the blood stream, and does not mention micro-organisms in general. The applicant, however, is concerned specifically with preventing oral micro-organisms from entering the bloodstream, and has amended claim 1 to reflect that distinction. Indeed, such a concern would not be relevant to Igo, as Igo only considers subcutaneous applications, and if micro-organisms were a concern for the surgery site, they would already be present within the body, and flushing the site with blood would be ineffective. This argument emphasizes the difference between the surgeries themselves. The surgeries considered by Igo involve the blood vessels or arteries directly, whereas dental surgery is concerned with teeth, and blood vessels are only affected indirectly. Thus, while Igo applies a bioactive agent to prevent the benefits of the surgery from being reversed and to allow the affected vessels and arteries to perform their function properly, the applicant claims applying nitric oxide to flush the oral surgery site to prevent oral micro-organisms from entering the blood stream. It is respectfully submitted that the teachings are quite distinct. Igo is not concerned with oral micro-organisms entering the blood stream. Conversely, the teachings of Igo are not a matter of concern to a dental surgeon and there would be no motivation for a dental surgeon to apply the teachings of Igo when performing oral surgery.

In view of the foregoing amendment, it is respectfully submitted that Igo does not teach or suggest the applicant's invention, and that the present application is now in a condition for allowance. The applicant, therefore, requests the early issue of a Notice of Allowance.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}

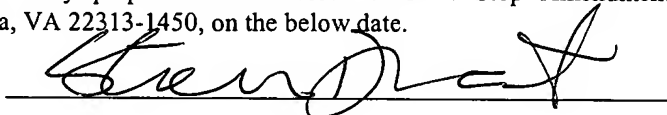
A handwritten signature in black ink, appearing to read "Kevan L. Morgan", with "Reg. No. 44,328" written to the right of the signature.

Kevan L. Morgan
Registration No. 42,015
Direct Dial No. 206.695.1712

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first-class mail with postage thereon fully prepaid and addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:

7.28.2006

A handwritten signature in black ink, appearing to read "Kevan L. Morgan", written over a horizontal line.

KLM:sdd

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100